

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SARA LEMKE, *et al.*,

Plaintiffs,

v.

CHANGE HEALTHCARE INC., *et al.*,

Defendants.

Civil Action No. 3:24-CV-00302

Judge Eli J. Richardson

Magistrate Judge Barbara D. Holmes

NOTICE OF FILING

Defendants Change Healthcare Inc., UnitedHealth Group Incorporated, UnitedHealthcare, Inc., and Optum, Inc. (“Defendants”) hereby notify the Court of filings with the Judicial Panel on Multidistrict Litigation (“JPML”) implicating this case. Defendants state as follows:

1. On April 9, 2024, Plaintiffs and Defendants (the “Parties”) filed a Joint Motion for Extension of Time to File Answer, pending ruling on transfer and centralization by the JPML, and a corresponding proposed order. ECF No. 50;
2. On March 19, 2024, this case was tagged to the JPML. *In re Change Healthcare, Inc., Customer Data Security Breach Litig.*, MDL No. 3108 (J.P.M.L. Mar. 19, 2024), ECF No. 10;
3. On April 3, 2024, Defendants filed a motion supporting transfer of this case to an MDL. Response in Support, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. Apr. 3, 2024), ECF No. 56;
4. On April 3, 2024, Plaintiffs filed a motion supporting transfer of this case to an MDL. Interested Party Response, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. Apr. 3, 2024), ECF No. 52;

5. On May 23, 2024, Defendant Healthfirst, Inc. filed a motion opposing transfer of this case to an MDL. Interested Party Response in Opp’n, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. May 23, 2024), ECF No. 139;
6. On May 30, 2024, the JPML heard argument on a Motion for Transfer and Centralization of Related Actions (the “Transfer Motion”) filed by plaintiffs in related actions, seeking transfer pursuant to 28 U.S.C. § 1407;
7. On June 7, 2024, the JPML issued a Transfer Order creating an MDL in the District of Minnesota. Transfer Order, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. June 7, 2024) (hereinafter “Transfer Order,” attached hereto as Exhibit A), ECF No. 158;
8. The JPML stated in the Transfer Order that “[t]he question whether the claims against HealthFirst should be included in the MDL will be addressed via the conditional transfer order process.” Transfer Order at n.2;
9. The JPML then issued a Conditional Transfer Order that included this case. Conditional Transfer Order (CTO-1), *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. June 11, 2024) (hereinafter “Conditional Transfer Order 1,” attached hereto as Exhibit B);
10. On June 18, 2024, Healthfirst filed a Notice of Opposition to Conditional Transfer Order CTO-1. Notice, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. June 18, 2024), ECF No. 162;
11. On June 20, 2024, the MDL Court stayed Defendants’ deadlines to answer or otherwise respond to Plaintiffs’ complaints until such time that the Court establishes a timeline for such responses. Order, *In re: Change Healthcare, Inc. Customer Data Security Breach Litigation*, 0:24-md-03108-DWF-DJF (D. Minn. June 20, 2024) (attached hereto as Exhibit C), ECF No. 7;
12. The MDL Court has not yet scheduled an initial status conference, issued a schedule, or otherwise established a timeline for responses to any complaint;

13. On July 2, 2024, Healthfirst moved to vacate Conditional Transfer Order 1, and both Plaintiffs and Defendants opposed that motion, maintaining that this case—in its entirety—should be transferred to the MDL. Motion to Vacate Conditional Transfer Order, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. July 2, 2024), (hereinafter the “Healthfirst Motion”), ECF No. 172; Plaintiffs’ Response in Opp’n to Mot. to Vacate Conditional Transfer Order, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. July 23, 2024), ECF No. 180; Defendants’ Response in Opp’n to Mot. to Vacate Conditional Transfer Order, *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. July 23, 2024), (hereinafter the “Healthfirst Motion”), ECF No. 182;
14. On July 31, 2024, the JPML closed briefing on the Healthfirst Motion, which remains pending. *In re Change Healthcare, Inc.*, MDL No. 3108 (J.P.M.L. July 31, 2024), ECF No. 184.

For all of these reasons, the deadline by which Defendants shall answer or otherwise respond to the Second Amended Complaint remains stayed.

Dated: August 6, 2024

Respectfully submitted,

/s/ Kimberly Ingram-Hogan
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August, 2024, the foregoing Notice of Filing was filed electronically via the CM/ECF system, which will send notification of such filing to the following counsel of record:

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